

U.S. Application No. 10/801,930, filed March 16, 2004
Attorney Docket No. 16136US02
Amendment dated February 23, 2010
In Response to Office Action mailed December 28, 2009

REMARKS

Claims 7-9, 11-13, 19-21, 23, 24, 33-35, 37-39, 41, 42 and 44 are pending.

Applicants gratefully acknowledge the indication by the Examiner that claims 7-9, 11-13, 19-21, 23, 24 and 44 are allowed.

Applicants have amended claim 19 to address the lack of antecedent basis noted by the Examiner in the Office Action at page 2.

Applicants gratefully acknowledge the indication by the Examiner that claims 35 and 41 recite patentable subject matter.

Applicants have amended claim 33 to include elements from claims 34 and 35. Claims 34 and 35 have been cancelled without prejudice. Applicants have amended claim 41 to depend directly from claim 33. Applicants respectfully reserve the right to pursue, without prejudice in a continuing and/or related application, subject matter that has been withdrawn, amended and/or cancelled. It is believed that independent claim 33 and its dependent claim (i.e., claim 41) are in condition for allowance.

Applicants have added new dependent claims 45-53. The new dependent claims 45-53 depend from independent claims that are condition for allowance. It is respectfully submitted that claims 45-53 are in condition for allowance.

To place the application in condition for allowance, Applicants have cancelled, without prejudice, claims 37-39 and 42. Applicants respectfully reserve the right to pursue, without prejudice in a continuing and/or related application, subject matter that has been withdrawn, amended and/or cancelled.

Applicants do not necessarily agree or disagree with the Examiner's characterization of the documents made of record, either alone or in combination, or the Examiner's characterization of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the

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recited claim elements should that need arise in the future.

Applicants respectfully reserve the right to pursue, without prejudice in a continuing and/or related application, subject matter that has been withdrawn, amended and/or cancelled.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: February 23, 2010

Respectfully submitted,

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